

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

RANDY EUGENE LINDSEY, and RONA
EDITH LINDSEY,

Plaintiff,

No. 2:10-cv-1437-SU

v.

SERGEANT PHILLIP MYER,
et al.,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation (#53) on February 13, 2012, in which she recommends that this Court grant the Blackman Defendants' motion to dismiss in part and deny it in part, and further recommends that this Court grant the Municipal and Myers Defendants' motion to dismiss in part and deny it in part.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were

timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings & Recommendation [53]. Accordingly, the Blackman Defendants' motion to dismiss [25] is granted in part and denied in part and the Municipal and Myers Defendants' motion to dismiss [27] is granted in part and denied in part. As a result, plaintiffs' First, Second, Third, Fourth, Sixth, Eighth, Ninth, Tenth, Eleventh, and Twelfth Claims set forth in plaintiffs' Complaint are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 2nd day of April, 2012.

s/Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge